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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,195	06/28/2000	Pradeep Bahl	204205	7584

22971 7590 09/06/2006

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EXAMINER

DADA, BEEMNET W

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/607,195	<b>Applicant(s)</b> BAHL ET AL.	
	<b>Examiner</b> Beemnet W. Dada	<b>Art Unit</b> 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in reply to an amendment filed on June 22, 2006. Claims 1-33 are pending.

#### ***Response to Arguments***

2. Applicant's arguments filed June 22, 2006 have been fully considered but they are not persuasive.

3. With respect to claims 12, 15 and 19, applicant argued that, Ala-Laurila (US 6,704,789 B1) fails to teach receiving a request for a network address from the wireless client. Applicant argued that Ala-Laurila teaches receiving a request from a wireless client to locate a server and not receiving a request for a network address from the wireless client. Applicant further argued that Ala-Laurila fails to teach attaching information to the request to indicate the request originated from a wireless client. Applicant argued that the user identifier in Ala-Laurila does not change dynamically to indicate that a request originated from a wireless client. Examiner disagrees.

4. Examiner would point out that Ala-laurila teaches receiving an assignment of an address from the address server [DHCP ADVERTISE of fig 4 and DHCP OFFER & IP ADDRESS of figure 5], which is in response to a request made by the wireless client that is received by the Server 14 (i.e., receiving a request for a network address from the wireless client [steps DHCP SOLICIT, figures 4 & 5]). The steps of figures 4 and 5 clearly show that a wireless client sends a DHCP SOLICIT with a user ID and the receiving server responds with a DHCP ADVERTISE and DHCP OFFER (i.e., a DHCP OFFER is used when a DHCP server receives an IP lease request and the DHCP server extends an IP lease offer after reserving an IP address for the client, see also figures 4-6). Examiner would further point out that, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that

the features upon which applicant relies (i.e., the user ID **does not change dynamically** to indicate that a request originated from a wireless client) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner would point out that the user id that is attached to the request meets the claim limitations [see figures 4 and 5].

5. With respect to claims 9, 11, 17,21,22, 24-27, 29 and 30, applicant argued that Lim (US 5,884,024) fails to teach a secure link and negotiation of a secure link with the wireless client. Applicant argued that the present application specification recites a secure link, such an IPSEC tunnel, and Lim is silent with regard to IPSEC, IPv4 and IPv6. Examiner disagrees.

6. Examiner would point out that, Lim teaches a trusted identifier, that can not be forged by a client system (i.e., secure system) for engaging in negotiation of a secure link with a wireless client (i.e., a secure link) [see column 7, lines 6-56]. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a secure link, such an IPSEC tunnel, and ..., IPSEC, IPv4 and IPv6) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The system of Lim teaches a secure DHCP server for allocating and using IP addresses, in combination with a secure DHCP relay agent and a secure IP relay agent [see abstract].

7. With respect to claims 1-8 and 31-33, applicant argues that the combination of Nordman (US 6,061,346) and Garrett (US 20020023160 A1) does not teach sending the assigned network address to the wireless client and establishing a secure link prior to establishing a secure link as disclosed in claim 1. Applicant further argued that there is no suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the Nodma with the combination of Garrett. Examiner disagrees.

8. Examiner would point out that a suggestion, teaching, or motivation to combine the relevant prior art teachings does not have to be found explicitly in the prior art, as the teachings, motivation, or suggestion may be implicit from the prior art, as a whole, rather than expressly stated in the references. The test for an implicit showing is what the combined teachings, knowledge of one of a whole would have suggested to those of ordinary skill in the art. In re Kahn, 441 F.3d 977, 988, 78, USPQ2d 1329, 1336 (Fed. Cir. 2006) citing In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313 (Fed. Cir. 2000). See also In re Thrift, 298 F. 3d 1357, 1363, 63 USPQ2d 2002, 2008 (Fed. Cir. 2002). These showings by the examiner are an essential part of complying with the burden of presenting a prima facie case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). In this case, Nordman teaches a method for controlling access to a network by a wireless client, the method comprising assigning a network address to the wireless client, wherein the network address has a lease period [column 4, lines 13-22], sending the assigned network address to the wireless client and establishing secure link [column 7, line 53 – column 8, line 5], sending an address of a wireless access point to the wireless client, wherein the wireless access point is adapted to handle the secure link established by the wireless client [column 8, lines 12-23 and lines 57-67]. Nordman

teaches sending assigned network address to the wireless client. Furthermore, Garrett teaches assigning a network address, sending the assigned network address to the client prior to establishing a secure link and establishing a secure link using the assigned network address (figure 9, steps 902-907, note that authentication at steps 904-906 is performed after the address is assigned and provided to the client at steps 902 & 903). Examiner asserts the art on record teaches the claimed limitations and therefore the rejection is respectfully maintained.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 12, 15 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ala-Laurila et al US Patent 6,704,789 (hereinafter Ala-Laurila).

11. As per claims 12, 15 and 19 Ala-laurila teaches a method for controlling access to a network by a wireless client (see figures 4 and 5), the method comprising  
receiving a request for a network address from the wireless client [steps DHCP SOLICIT, figures 4 & 5];

attaching information to the request to indicate that the request originated from a wireless client [USER ID attached to the DHCP SOLICIT, figures 4 and 5];

relaying the request to the address server [figure 4, 5, units 24 & 14];

receiving an assignment of an address from the address sever [DHCP ADVERTISE of fig 4 and DHCP OFFER & IP ADDRESS of figure 5], the address having lease time [column 9, lines 14-33];

relaying the assignment of the address to the wireless client [RELAY 24 and SERVER 14 of figures 4 and 5];

negotiating the establishment of a secure link with the wireless client using the assigned address, and using the assigned address to communicate with the wireless access point [MESSAGE + IPSEC AUTH, of figures 4 and 5 and column 7, lines 46-56].

12. Claims 9, 11, 17, 21, 22, 24-27, 29, and 30 are rejected under 35 U.S.C. 02(b) as being anticipated by Lim et al. US Patent 5,884,024 (hereinafter Lim).

13. As per claims 9 and 17 Lim teaches a method for controlling access to a network by a wireless client, the wireless client using an assigned network address having a lease period to communicate with the network, the method comprising:

engaging in a negotiation of a secure link with the wireless client [column 7, lines 21-30];

communicating with an address server of the network to determine whether the lease period of the leased network address has expired [column 8, lines 33-55];

if the lease period is determined to be expired, terminating the negotiation, thereby preventing the wireless client from accessing the network [column 8, lines 38-55].

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14. As per claim 21 and 26 Lim teaches on a wireless client, a method for gaining access to a network, the method comprising:

broadcasting a request for an address on the network [column 7, lines 21-30];

receiving an assignment of a leased address from the network, the lease address having a lease time [column 8, lines 36-44];

negotiating a secure link with the network before the lease time expires [column 8, lines 33-55].

15. As per claim 11, Lim further teaches the method wherein the address server is a DHCP server [column 2, lines 46-51].

16. As per claims 22 and 27 Lim further teaches the method wherein the request for an address is broadcast as a DHCP discover packet [column 9, line 35-45].

17. As per claim 24, 25, 29 and 30, Lim further teaches the method wherein the negotiating step further comprises:

generating an ARP packet having the lease address, and in response to the ARP generation, initiating a negotiation of the secure link with network [column 7, lines 40-56].

### ***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



19. Claims 1-8 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordman US Patent 6,061,346 in view of Garrett et al. US 20020023160 A1 (hereinafter Garrett).

20. As per claims 1, 6 and 31-33 Nordman teaches a method for controlling access to a network by a wireless client, the method comprising:

assigning a network address to the wireless client, wherein the network address has a lease period [column 4, lines 13-22];

sending the assigned network address to the wireless client and establishing secure link [column 7, line 53 – column 8, line 5];

sending an address of a wireless access point to the wireless client, wherein the wireless access point is adapted to handle the secure link established by the wireless client [column 8, lines 12-23 and lines 57-67]. Nordman teaches sending assigned network address to the wireless client. Nordman is silent on sending the assigned network address to the wireless client prior to establishing a secure link. However, within the same field of endeavor Garrett teaches assigning a network address, sending the assigned network address to the client prior to establishing a secure link and establishing a secure link using the assigned network address (figure 9, steps 902-907, note that authentication at steps 904-906 is performed after the address is assigned and provided to the client at steps 902 & 903). Both Nordman and Garrett teach a method of controlling access to a network. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teaching of Garrett within the system of Nordman in order to allow authorized use of IP address and further enhance security of the system.

21. As per claims 2 and 7, Garrett further teaches the method wherein the assigned network address and the wireless access point address are sent to the wireless client in a DHCP offer packet [see figure 5].

22. As per claims 3 and 8, Nordman further teaches secure IP tunneling [column 8, lines 8-22].

23. As per claims 4 and 5, Nordman further teaches sending network address via a wireless access point [column 4, lines 4-22].

24. Claims 13, 14, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ala-Laurila et al US Patent 6,704,789 in view of Inoue et al. US Patent 6,510,153 (hereinafter Inoue).

25. As per claims 13, 14, 16 and 20, Ala-Laurila teaches the method for controlling access to a network by a wireless client as applied to claim 12 above. Ala-Laurila is silent on broadcasting an ARP packet to check whether there are any other clients having the same assigned address of the wireless client. However, Inoue teaches a mobile IP communication scheme, including broadcasting an ARP packet to check whether there are any other clients having the same assigned address of a wireless client and if a response to the ARP is received, terminating the negotiation, thereby denying the wireless access to the network [column 8, lines 34-57 and figures 5 & 12]. It would have been obvious to one having ordinary skill in the art to employ the

teaching of Inoue within the system of Ala-Laurila in order to prevent duplicate assignment of IP addresses.

26. Claims 10, 18, 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim US Patent 5,884,024 in view of Ala-Laurila et al US Patent 6,704,789.

27. As per claims 10, 18, 23 and 28 Lim teaches the method as applied to claims 9 and 21 above. Lim is silent on IPSEC tunneling. However security using IPSEC tunneling is well known in the art. For example within the same field of endeavor Ala-Laurila teaches a secure DHCP server including negotiating of an IPSEC tunnel [column 7, lines 46-56]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Ala-Laurila within the system of Lim in order to further enhance security of the system.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Beemnet Dada

September 2, 2006

A handwritten signature in black ink, appearing to read 'Kim Vu', with a stylized, flowing script.

KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100